

PATENT COOPERATION TREATY

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NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
 United States Patent and Trademark
 Office
 Box PCT
 Washington, D.C.20231
 ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 18 February 2000 (18.02.00)	
International application No. PCT/GB99/02047	Applicant's or agent's file reference PJA/C088195PWO
International filing date (day/month/year) 08 July 1999 (08.07.99)	Priority date (day/month/year) 08 July 1998 (08.07.98)
Applicant LLOYD, Christopher, James et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
 25 January 2000 (25.01.00)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Juan Cruz Telephone No.: (41-22) 338.83.38
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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 13 OCT 2000

WIPO

Applicant's or agent's file reference MH/C088195PWO		See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) FOR FURTHER ACTION
International application No. PCT/GB99/02047	International filing date (day/month/year) 08/07/1999	Priority date (day/month/year) 08/07/1998
International Patent Classification (IPC) or national classification and IPC G01N33/542		
Applicant THE VICTORIA UNIVERSITY OF MANCHESTER et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.


2. This REPORT consists of a total of 4 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 25/01/2000	Date of completion of this report 11.10.2000
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Mason. W Telephone No. +49 89 2399 2623



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB99/02047

I. Basis of the report

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

Description, pages:

1-40 as originally filed

Claims, No.:

1-31 as originally filed

Drawings, sheets:

1-11 as originally filed

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB99/02047

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-29
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-29
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-29
	No:	Claims	

2. Citations and explanations

see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

SECTION V

1. The following documents are referred to in this report:

D1=JP61277060; D2=WO9627798; D3=US4421860

The present application concerns a method of determining a characteristic cycle time of a sample which is optically excited from the ground state to an excited state (preferably continuously) and in which the number of active elements and the intensity of the incident radiation is chosen so that individual quanta are distinguishable from each other (in particular so as to permit auto-correlation).

2. CLAIMS 1-28 (methods), 29 (apparatus)

D1 is considered to represent the closest prior art and discloses a method for determining the quantity (concn) of the antigen in a specimen from a measurement of the relaxation time and a calibration curve. This document is however not detailed enough to disclose clearly the features of determining of a characteristic CYCLE time by IMMEDIATE RE-EXCITATION following relaxation to ground state (instead the relaxation time alone is measured) - there is also no indication that the illumination is continuous which might at least suggest such immediate re-excitation.

D2 (cited in the application on page 2) and D3 relate to fluorescence correlation spectroscopy which determines the diffusion coefficient of moving fluorescent particles rather than fluorescent lifetimes.

SECTION VIII

Independent method claim 1 (and dependent method claims 2-28) as well as apparatus claim 29 (which comprises analysing means for determining the cycle time resulting from immediate re-excitation) are therefore considered to meet the requirements of novelty and inventive step (Art. 33.2, 3 PCT).